

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

STACEY MILLER

§

VS.

§

CIVIL ACTION NO. 1:03cv1335

UNITED STATES OF AMERICA

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Stacey Miller, a federal prisoner previously confined in Beaumont, Texas, proceeding *pro se*, filed this civil rights action pursuant to the Federal Tort Claims Act and *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against the United States of America, R. D. Miles, Russell Haas, Douglas Byrd, Rita Sackett, Michael McGehee, Scott Fauver, and Ronald Thompson.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting the defendants' motion to dismiss the case for insufficient service of process.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The defendants' motion to dismiss (document no. 18) is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this **8** day of **September, 2005**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge